

Appl. No. 09/772,572
Amdt. Dated September 22, 2003
Reply to Office Action of June 18, 2003

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PATENT APPLICATION**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group
Art Unit: 3761

Attorney
Docket No.: 121027-041

Applicant: Takaaki SHIMADA et al.

Invention: PULL-ON DISPOSABLE DIAPER

Serial No: 09/772,572

Filed: January 30, 2001

Examiner: Catharine Anderson

Certificate Under 37 CFR 1.84

I hereby certify that this correspondence is being
transmitted to the United States Patent and Trademark
Office via facsimile transmission on the date indicated
below.

on October 31, 2003


Michael S. Gzybowski

PETITION FOR REFUND OF FEE PAID BY MISTAKE

To: Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FAX RECEIVED**OCT 31 2003****PETITIONS OFFICE**

Sir:

Pursuant to 35 U.S.C § 43(d), the Director may refund any fee paid by mistake or any amount paid in excess of that required.

On September 22, 2003, a Request for Continued Examination, Preliminary Amendment and Petition for One Month Extension of Time was filed with the U.S. Patent and Trademark Office via facsimile in the above-identified application.

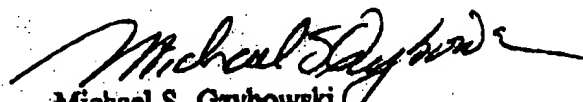
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The one month extension of time was initially believed to be necessary because of the closing of the U.S. Patent and Trademark Office due to hurricane weather in the area on the due date of September 18, 2003.

Subsequent to requesting and paying the one month extension fee of \$110.00, the U.S. Patent and Trademark Office posted a notice September 23, 2003, indicating that "any action or fee due on Thursday, September 18, 2003, or Friday, September 19, 2003, will be considered timely for the purposes of 35 U.S.C. §§119., 120, 133 and 151, if the action is taken, or the fee is paid, on the next succeeding business day on which the USPTO was open, that is, Monday, September 22, 2003." (See attached).

Pursuant to the notice posted by the U.S. Patent and Trademark Office on September 23, 2003, and 35 U.S.C § 43(d), petitioner requests that the U.S. Patent and Trademark Office credit the \$110.00 one month extension of time fee previously paid in the above-identified application to Deposit Account No. 12-2136.

Respectfully submitted,


Michael S. Gzybowski
Reg. No. 32,816

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P16REV01

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**Closing of the United States Patent and Trademark Office on
Thursday, September 18, 2003, and
Friday, September 19, 2003**

**Office of Patent Legal Administration << Pre-OG Notices << Closing of the United States
Patent and Trademark Office on Thursday, September 18, 2003, and Friday, September 19, 2003**

In view of the official closing of the Federal Government offices in the Washington, D.C. metropolitan area, including the United States Patent and Trademark Office (USPTO), on Thursday, September 18, 2003, and Friday, September 19, 2003, the United States Patent and Trademark Office will consider Thursday, September 18, 2003, and Friday, September 19, 2003, a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21 and 37 C.F.R. §§ 1.6, 1.7, 1.9, 2.2(d), 2.195, and 2.196. Any action or fee due on Thursday, September 18, 2003, or Friday, September 19, 2003, will be considered as timely for the purposes of, e.g., 35 U.S.C. §§ 119, 120, 133 and 151, if the action is taken, or the fee is paid, on the next succeeding business day on which the USPTO was open, that is, Monday, September 22, 2003.

37 C.F.R. §§ 1.6(a)(2) and 2.195(a)(4) provide that correspondence deposited as Express Mail in accordance with 37 C.F.R. § 1.10 or 2.198 will be considered as filed on the date of deposit with the United States Postal Service (USPS). Thus, any paper or fee properly deposited in accordance with 37 C.F.R. § 1.10 or 2.198 with the Express Mail service of the USPS on Thursday, September 18, 2003, or Friday, September 19, 2003 (that is, as shown by a "date-in" of Thursday, September 18, 2003, or Friday, September 19, 2003, on the Express Mail mailing label) will be considered filed in the USPTO on its date of deposit in the Express Mail service of the USPS. 37 C.F.R. § 2.195(a)(2) provides that trademark-related correspondence transmitted electronically to the USPTO will be considered filed in the USPTO on the date the USPTO receives the electronic transmission. Thus, trademark-related correspondence transmitted electronically on Thursday, September 18, 2003, and/or Friday, September 19, 2003, will be considered filed in the USPTO on the date the USPTO received the electronic transmission. Correspondence successfully received by the USPTO through the patent Electronic Filing System will receive the date as indicated on the Acknowledgment Receipt.

Inquiries concerning this notice may be directed to Fred Silverberg by e-mail at fred.silverberg@uspto.gov or telephone at 703-305-8986.

Date: 09/23/2003

Signed: Nicholas Godki for

JAMES E. ROGAN

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

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